

Appln No.: 09/683,426
Amendment Dated: March 7, 2005
Reply to Office Action of January 13, 2005

REMARKS/ARGUMENTS

Claims 1-9

The Examiner has rejected Claims 1-9 under 35 U.S.C. 102(b) on the view that they are anticipated by Kara (US 5,717,597).

Claim 1

For convenience, Claim 1 is quoted below.

1. (previously presented) A method for use with mail pieces and with a purchaser having an identity, the method comprising the steps of:

requiring, as a precondition of purchasing at least one postal indicium, receipt of first information indicative of the purchaser's identity,

deriving by electronic computation second information functionally from said first information;

printing said second information upon the at least one postal indicium;

receiving an addressed mail piece with the at least one postal indicium into the mail; and

delivering the addressed mail piece.

Kara does not disclose a "method requiring as a precondition of purchasing at least one postal indicium, receipt of first information indicative of the purchaser's identity."

The Examiner claims that in Kara:

The purchaser of the postage indicium **MUST** utilize a smart card (186), which is the certificate for identification of purchaser, so as to utilize the franking machine. Accordingly, the purchaser's identity must be required by whoever issues the smart card and this is a precondition of purchasing at least one postal indicium. (Office Action, page 2)

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The Examiner cites the following paragraph from Kara (column 5, lines 26-34) in support of the above view.

Another type of postage storage device 18 is a smart card 186, a plastic card embedded with a microchip. The microchip contains mathematical formulas that encrypt computer data to secure access to that data (i.e., postage) and verify a user's identity before allowing access to the data. One drawback in the currently available smart cards 186 is that they require a magnetic card processor 176 hooked to the processor-based system.

The undersigned has diligently studied the paragraph quoted above and the entirety of the Kara reference and is unable to find anywhere where a purchaser of a postal indicium "MUST" use a smart card. It appears that the Kara reference does disclose several different postal storage devices (see Fig. 1B), one of which is a smart card. The Kara reference also discloses that the preferred embodiment of the invention uses a TMU button (see column 4, line 61), thus providing further support that a use of a smart card is not a "MUST."

Applicant's invention as disclosed by Claim 1 absolutely requires as a precondition of purchasing a postal indicium, receipt of information indicative of a purchaser's identity. Even if the Examiner was correct in the view that a smart card MUST be used in Kara to purchase postal indicium, it appears to the undersigned that there is nothing in the reference indicating an absolute precondition of receiving information indicative of the purchaser's identity prior to purchasing a smart card or any other "portable postage storage device."

The invention disclosed in the Kara reference utilizes a "POSTAGEMAKER" program to load an amount of postage into a portable postage storage device. (see column 4, lines 13-16). The Kara reference defines a postage storage device as:

any memory device having some residual data capability, where that memory device can provide sufficient security measures to efficiently limit access to the memory of the device to authorized users. (column 4, lines 54-57)

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The invention disclosed in the Kara reference may utilize an "E-STAMP" program to access the loaded postage on a portable postage storage device.

The loaded postage may be accessed and a portion of that postage retrieved via a program stored on a processor-based system, such program hereinafter referred to as the "E-STAMP" program. (column 4, lines 20-23)

The Kara reference appears to disclose two methods to acquire and register an E-STAMP program. These methods are disclosed in column 5 lines 52-67 and column 6 lines 1-25. Neither of the methods requires a purchaser of at least one postal indicium (or a postage storage device) to have an identity, and that prior to making a purchase of at least one postal indicium (or a postage storage device) information indicative of the purchaser's identity be received as a precondition. In the first method (column 5, lines 52-58) there is no mention of an identity at all. In the second method (column 5, lines 59-67 and column 6, lines 1-5), an example is given where,

an individual can buy a postage storage device 18, containing a small quantity of postage, with a copy of the E-STAMP program. That individual will then install the E-STAMP program on a processor-based system 10.

Nowhere in the second method does it appear that before an individual can buy a postal storage device or E-STAMP program that the individual must have an identity and prior to buying the postal storage device or E-STAMP program must information be received indicative of that identity. An individual's "identity" is not mentioned at all during the entire purchasing process. The first mention of any "identity" occurs with respect to the E-STAMP program in column 6 lines 14-20 where the "user" of the E-STAMP program is requested to enter the "user's" name and address and some other information. Nowhere in the reference is there any mention of an absolute requirement that the "user" provide this information. The reference only mentions that a request is made. At the time that the request is made, the E-STAMP program has already been purchased (see the quotation immediately above). Therefore, it is impossible for information to

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be required as a precondition of purchase. In addition, the undersigned has studied the reference and there is nothing that indicates that the "user" of the E-STAMP program must be the same as the "purchaser" of the postage storage device or the E-STAMP program. In fact, the reference specifically allows the "individual" who purchases a postage storage device to be different than the "user" of the E-STAMP program, since either can pull up the E-STAMP installation program. See column 6, lines 6-7 which are quoted below.

The installation instructions **201** inform the individual, or user, how to pull up the E-STAMP installation program.
(emphasis added)

The Examiner cites the following text from Column 16 lines 35-60 which includes:

The E-STAMP program may optionally be programmed to incorporate preselected information, entered into the E-STAMP program, into an encrypted message that is machine readable...

An encrypted message may include any combination of the following information: the day, the date, the postage storage device serial number, the E-STAMP serial number, the sender's zip code, the addressee's zip code, the expiration date of the postage storage device, the cumulative values of the strike and dollar counters, the PNM registration number, the user's identification number, and the Post Office identification number...

The encrypted information may be printed separately from the postage indicia or the selected information may be incorporated within the meter stamp using a graphical security interface.
(emphasis added)

Nowhere in this portion of the reference is there any mention of a "purchaser" of a postal indicium or the identity of said purchaser. Only a "user" is mentioned. As established above, the "user" in the Kara reference is not the "purchaser" or the "individual" at the time of purchase of the E-STAMP program. Even if the Kara "user" was the same as a "purchaser," no information indicative of the identity of either a "user" or "purchaser" was required at the time of the E-

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STAMP program's purchase.

The "second information" of Applicant's Claim 1 which "is", not which "may be" or "may optionally be", printed on the postal indicium, is "deriv[ed] by electronic computation... functionally from said first information." "The first information is indicative of the purchaser's identity." There is nothing in the Kara reference which indicates that the reference's "user" identification number which "may" be incorporated within a meter stamp is the same as the second information of Applicant's Claim 1 being printed on the postal indicium. Therefore, the Kara reference does not anticipate this portion of Claim 1.

Reconsideration of Claim 1 is requested.

Claims 2-9

Claims 2-9 are dependent on Claim 1. If Claim 1 is allowed, then Claims 2-9 should also be allowed. Reconsideration of Claims 2-9 is requested.

Claims 10-19

The Examiner has also rejected Claims 10-19 under 35 U.S.C. 102(b) on the view that they are anticipated by Kara (US 5,717,597).

Claim 10

For convenience, Claim 10 is quoted below:

10. (previously presented) A method for use with purchased postal indicia, with mail pieces and with a purchaser having an identity, the method comprising the steps of:

requiring, as a precondition of receiving at least one addressed mail piece with a postal indicium into the mail, that the postal indicium bear second information derived by electronic computation from first information indicative of the identity

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of the purchaser;

receiving the at least one addressed mail piece with the postal indicium into the mail; and

delivering the at least one addressed mail piece.

The Examiner states that the Kara reference discloses:

a method... requiring, as a precondition of receiving at least one postal indicium, receipt of first information about a purchaser's identity (The purchaser of the postage indicium MUST utilize a smart card (186), which is the certificate for identification of purchaser, so as to utilize the franking machine. Accordingly, the purchaser's identity must be required by whoever issues the smart card and this is a precondition of purchasing at least one postal indicium; see col. 5, lines 26-34; and Fig. 1B),

It appears to the undersigned that with the exception of changing the word "purchasing" to "receiving" in the first line, the Examiner "cut and pasted" the above paragraph from the rejection for Claim 1. It is respectfully noted that Claim 1 is different than Claim 10 in that Claim 10 discloses a method for use with postal indicia that has already been purchased and Claim 1 discloses a method which includes steps for purchasing postal indicia. Thus, it is unclear to the undersigned as to what the significance of a reference disclosing (or not disclosing) "receipt of first information about a purchaser's identity" and "a precondition of purchasing at least one postal indicium" would be for supporting the rejection of Claim 10. Should the Examiner's paragraph quoted immediately above actually apply to Claim 10, applicant repeats the arguments provided above for Claim 1 regarding the Kara reference.

The Examiner states that Kara discloses that:

the postal indicium bear second information derived by electronic computation from first information indicative of the identity of the purchaser (see col. 16, lines 35-60).

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The Examiner cited the same paragraph for the rejection of Claim 1 when the Examiner stated that the Kara reference disclosed,

deriving second information from the first information (by reading it from the smart card); printing the second information upon the at least one postal indicium.

Applicant repeats the same argument provided above for Claim 1 that the identified sections of Kara do not disclose a postal indicium bearing second information derived by electronic computation from first information indicative of the identity of the purchaser.

The Examiner states that Kara discloses:

receiving an addressed mail piece with the at least one postal indicium into the mail; and delivering the mail piece.

Applicant again notes that this is text from Claim 1 and not Claim 10. Claim 10 states:

receiving the at least one addressed mail piece with the postal indicium into the mail; and delivering the at least one addressed mail piece.

Regarding the portion of the text from Claim 1 and the portion of the text from Claim 10 quoted immediately above, the Examiner has not provided where in the Kara reference either is disclosed. The undersigned has searched the reference and is unable to find the disclosure of the identified portions of either claim. The Examiner is requested to point out exactly where Kara makes these disclosures or in the alternative withdraw the rejection for both Claim 1 and Claim 10.

Reconsideration of Claim 10 is requested.

Claims 11-19

Claims 11-19 are dependent on Claim 10. If Claim 10 is allowed, then Claims 11-19 should also be allowed. Reconsideration of Claims 11-19 is requested.

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Claims 20-29

The Examiner has also rejected Claims 20-29 under 35 U.S.C. 102(b) on the view that they are anticipated by Kara (US 5,717,597).

Claim 20

For convenience, Claim 20 is quoted below.

20. (Previously presented) A method for use with purchased postal indicia, with mail pieces and with a purchaser having an identity, the method comprising the steps of:

requiring, as a precondition of delivering at least one addressed mail piece with a postal indicium, that the postal indicium bear second information derived by electronic computation from first information indicative of the identity of the purchaser;

receiving the at least one addressed mail piece with the postal indicium into the mail; and

delivering the at least one addressed mail piece.

The Examiner states that the Kara reference discloses:

a method... requiring, as a precondition of delivering at least one postal indicium, receipt of first information about a purchaser's identity,... (The purchaser of the postage indicium MUST utilize a smart card (186), which is the certificate for identification of purchaser, so as to utilize the franking machine. Accordingly, the purchaser's identity must be required by whoever issues the smart card and this is a precondition of purchasing at least one postal indicium; see col. 5, lines 26-34; and Fig. 1B)

It appears to the undersigned that with the exception of changing the word "purchasing" to "delivering" in the first line, the portions quoted above from Examiner's rejection of Claim 20 are the same as what the Examiner stated the Kara reference disclosed with respect to Claim 1. As with Claim 10, it is respectfully noted that Claim 20 is also different than Claim 1 in that Claim 20 discloses a method for use with postal indicia that has already been purchased and

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Claim 1 discloses a method which includes steps for purchasing postal indicia. Thus, as with Claim 10, it is unclear to the undersigned as to what the significance of a disclosure of "receipt of first information about a purchaser's identity" and a disclosure of "a precondition of purchasing at least one postal indicum" would be to support the rejection of Claim 20. In any event, should the Examiner's paragraph quoted immediately above also apply to Claim 20, applicant repeats the arguments provided above for Claim 1 regarding the Kara reference.

The Examiner also states that the Kara reference discloses:

the postal indicium bearing second information derived by electronic computation from first information...see col. 5 lines 26-34; and Fig. 1B)(see col. 16, lines 35-60);

The Examiner also cited column 16, lines 35-60 for the rejection of Claim 1 when the Examiner stated that the Kara reference disclosed,

deriving second information from the first information (by reading it from the smart card); printing the second information upon the at least one postal indicium.

Applicant repeats the same argument provided above for Claim 1 that the column 16, lines 35-60 portion of Kara does not disclose a postal indicium bearing second information derived by electronic computation from first information.

As with Claim 10, the Examiner states that Kara discloses:

receiving an addressed mail piece with the at least one postal indicium into the mail; and delivering the mail piece.

Applicant notes that this is text from Claim 1 and not Claim 20. Claim 20 states:

receiving the at least one addressed mail piece with the postal indicium into the mail; and delivering the at least one addressed mail piece.

Regarding the portion of the text from Claim 20 quoted immediately above, the Examiner has not

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provided where it is disclosed in the Kara reference. The undersigned has searched the reference and is unable to find such a disclosure. The Examiner is requested to point out exactly where Kara makes this disclosure or in the alternative withdraw the rejection for Claim 20.

Reconsideration of Claim 20 is requested.

Claims 21-29

Claims 21-29 are dependent on Claim 20. If Claim 20 is allowed, then Claims 21-29 should also be allowed. Reconsideration of Claims 21-29 is requested.

Claims 30-31

Claims 30-31 are rejected under 35 U.S.C. 102(b) on the view that they are anticipated by Ruat (WO 95/20200).

Claim 30

For convenience, Claim 30 is quoted below.

30. (Previously presented) A method for use with mail pieces and with a recipient possessing a list of expected senders, and with a sender having an identity, the method comprising the steps of:

receiving a delivered mail piece bearing a postal indicium, the postal indicium bearing second information derived by electronic computation from first information indicative of the identity of the sender;

reading the second information indicative of the identity of the sender; and

determining whether the sender whose identity is indicated by the second information is on the list of expected senders.

The Examiner states that Ruat discloses a method comprising:

receiving an addressed mail piece with the at least one postal indicium into the

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mail,

Claim 30 recites:

receiving a delivered mail piece bearing a postal indicum.

What the Examiner says Ruat discloses and what Claim 30 recites is not the same. Receiving a piece of mail into the mail (i.e. occurring at the time a letter is placed in the mail or brought to the post office) is not the same as a recipient receiving a delivered piece of mail (i.e. occurring when a letter is delivered to the recipient).

Claim 30 also discloses a method where the "recipient" possesses a list of expected senders and where after the recipient receives a delivered mail piece the recipient can then check whether the sender, whose identity is indicated on the postal indicum is on the list.

The Examiner states that the Ruat reference discloses:

reading the information indicative of the identity of the sender; and determining whether the sender whose identity is indicated by the information is on the list of expected senders (e.g. see the last paragraph of page 10 for the purpose of sorting or recording the mail).

The undersigned has studied the last paragraph of page 10 and the start of page 11 of the Ruat reference. It appears that the Ruat reference discloses a company recording receipt of an envelope and then sorting the mail received, "when the name of the person who is the recipient of an envelope appears in the coded non-encrypted information in addition to the name of the company." (Ruat, page 11, 1st paragraph)

There does not appear to be any disclosure by the cited portions of Ruat which involve the identity of the sender, and checking a list of potential senders to determine whether it was expected that the recipient might receive mail from a particular sender.

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Applicant respectfully requests the Examiner to point out where the Ruat reference discloses:
reading the information indicative of the identity of the sender; and determining whether the sender whose identity is indicated by the information is on the list of expected senders

or in the alternative, withdraw the rejection of Claim 30.

Claim 31

Claim 31 is dependent on Claim 30. If Claim 30 is allowable, then Claim 31 should also be allowable. Reconsideration of Claim 31 is requested.

Claim 32

Claim 32 is dependent on Claim 30. If Claim 30 is allowable, then Claim 32 should also be allowable. Reconsideration of Claim 32 is requested.

Claims 33-36

These claims were canceled previously.

Claim 37-39

Claims 37-39 all disclose either a postal indicium or indicia comprising:

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indici[um];

or a printer adapted to print the same upon adhesive postal indicia.

The Examiner states that Kara discloses:

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium (see Supra col. 16);

the cryptographically signed information printed by a different process than the first process (see Id.)

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and

a printer printing cryptographically signed information indicative of an identity of a purchaser (see Figs. 16 A-B and col. 16, lines 35-60)

The undersigned has studied Figures 16A-B and Column 16 of Kara and is unable to find the disclosure of cryptographically signed information indicative of an identity of a purchaser of adhesive postage indicium or indicia nor a printer adapted to print the same. It appears to the undersigned that the Kara reference does disclose:

an encrypted message [which] may include any combination of the following information: the day, the date, the postage storage device serial number, the E-STAMP serial number, the sender's zip code, the addressee's zip code, the expiration date of the postage storage device, the cumulative values of the strike and dollar counters, PMN registration number, the user's identification number, and the Post Office identification number.

(see column 16, lines 41-48)

As discussed in the argument for Claim 1 above, the first mention of any "identity" in the Kara reference with respect to the E-STAMP program occurs in column 6 lines 14-20, where the "user" of the E-STAMP program is requested to enter the "user's" name and address and some other information. At the time the request is made, the E-STAMP program has already been purchased. There is nothing indicating that the "user" of the E-STAMP program must be the same as the "purchaser" of the postage storage device or the E-STAMP program. The reference instead allows the "individual" who purchases a postage storage device to be different than the "user" of the E-STAMP program. This is because either can pull up the E-STAMP installation program. See column 6, lines 6-7 which are quoted below.

The installation instructions 201 inform the individual, or user, how to pull up the E-STAMP installation program.

Nowhere in column 16 of the reference is there any mention of a "purchaser" of a postal

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indicium or the identity of said purchaser. Only a "user" is mentioned. The undersigned is of the belief and has repeatedly stated that the "user" in the Kara reference is not the same as the "purchaser" or the "individual" at the time of purchase of the E-STAMP program. Even if the Kara "user" was the same as a "purchaser," no information indicative of the identity of either a "user" or "purchaser" was required at the time of the E-STAMP program's purchase. Therefore, there is no reason to believe that Kara discloses postage indicium comprising cryptographically signed information indicative of the identity of a purchaser, since no information indicative of the identity of a purchaser was ever required at the time of an E-STAMP program's purchase.

For the forgoing reasons, reconsideration is requested for Claims 37-39.

Claim 40

The Examiner again states that Kara discloses a method comprising:

receiving information indicative of an identity of a purchaser of the adhesive postal indicia...[because] the purchaser of the postage indicium MUST utilize a smart card (186), which is the certificate for identification of purchaser, so as to utilize the franking machine...

Please see the argument provided above for Claim 1 that Kara does not in fact make this disclosure.

The Examiner again states that Kara discloses:

cryptographically signing the information indicative of the identity of the purchaser of the adhesive postal indicia

and

printing upon the adhesive postal indicia, information indicative of the cryptographically signed information

Please see the argument provided above for Claims 37-39 that Kara does not disclose cryptographically signed information indicative of an identity of a purchaser adhesive postal

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indicia.

For the forgoing reasons, reconsideration is requested for Claim 40.

Claims 41-42

Claims 41-42 are rejected under 35 U.S.C. 102(b) on the view that they are anticipated by Ruat (WO 95/20200).

Claim 41

For convenience, Claim 41 is quoted below.

41. (Previously Presented) A method for use with mail pieces and with a recipient possessing a list of expected senders, and with a sender having an identity, the method comprising the steps of:

receiving a delivered mail piece bearing a postal indicium, the postal indicium bearing second information derived by electronic computation from first information indicative of the identity of the sender;

reading, by the recipient, the second information indicative of the identity of the sender; and

determining, by the recipient, whether the sender whose identity is indicated by the second information is on the list of expected senders.

Similarly to Claim 30, the Examiner states that the Ruat reference discloses:

determining, by the recipient, whether the sender whose identity is indicated by the second information is on the list of expected sender[s] (see the last paragraph in page 10 for the purpose of sorting or recording the mail).

Again the undersigned has studied the last paragraph of page 10 and the first paragraph of page 11 and is unable to find any reference to a recipient having a list of expected senders and checking that list for the identity of a particular sender. The Examiner is respectfully requested to point out where in Ruat this limitation of Claim 41 is disclosed or in the alternative withdraw

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the rejection of Claim 41.

Claim 42

Claim 42 is dependent on Claim 41. If Claim 41 is allowable, then Claim 42 should also be allowable.

In addition, the Examiner states that the Ruat reference

further discloses the method, wherein the information indicative of identity that is borne in the postal indicium is cryptographically signed, and the reading step further checks the signature.

Instead, the Ruat reference specifically teaches away from recipient having the ability to perform such a step. On page 4, the Ruat reference discloses the following:

Frauds are made impossible inasmuch as the encrypted information items can only be decrypted by the postal service, third parties having no access to the encryption keys which are not part of the data printed on the mailing envelopes.

(Please see Raut, page 4, paragraph 7)

The reading step of Claim 42 is specifically performed by the recipient. The recipient in the Ruat reference does not appear to have the ability to read encrypted information, only the postal service can. Therefore, the recipient in Ruat could not perform the step of "checking the cryptographic signature," which is disclosed by Claim 42 of the present invention. The paragraph that the Examiner refers to on page 10 of the Ruat reference discusses decoding coded information. Upon reading the rest of the reference, it appears that this is very different than decrypting encrypted information.

Reconsideration of Claim 42 is requested.

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Claim 43

Claim 43 is dependent on Claim 41. If Claim 41 is allowable, then Claim 43 should also be allowed. Reconsideration of Claim 43 is requested.

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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